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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK NY 10017-2023

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OFFICE OF PETITIONS

In re Application of
Kawada, et al.
Application No. 10/617,243
Filed: July 9, 2003
Attorney Docket No. 03397/LH
For: COLOR IMAGE FORMING METHOD
AND APPARATUS, AND
MICROCAPSULE TONER FOR USE
THEREWITH

DECISION GRANTING
PETITION

This is a decision on the petition, filed October 10, 2003, (certificate of mailing date October 8, 2003) requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed October 6, 2003.

The application was filed on July 9, 2003. On October 6, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioners that page 81 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that page 81 be accorded a filing date of July 9, 2003 on the basis that the entire specification, including allegedly missing page 81, was received in the Patent and Trademark Office (PTO) on July 9, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 9, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 93 pages of "spec, claims and abstract." A review of the application file reveals that there are 92 pages present. Page 81 is missing.

The return postcard constitutes *prima facie* evidence that 93 pages of specification, claims and abstract, including page 81, were filed on July 9, 2003. MPEP 503. Accordingly, the request is **GRANTED**.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of July 9, 2003, using the copy of page 81 supplied with the instant petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions